IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 19467 of 2004

Between:

T.Ranjeeth Singh, S/o.Heeralal Singh,
Govt. Model Residential Polytechnic Gazwel, Medak Dist.

..... PETITIONER

AND

1 The Director of Technical Education, Govt. of A.P. Hyderabad.
2 The Secretary, A.P.Social Welfare Residential Educational Institutions society, Masab Tank Hyderabad.
3 The Principal, Govt. Model Residential Polytechnic, Gajwel Medak Dist.
4 Md.Sarwarkhan, S/o.not known Superintendant, K.D.R.Govt., Polytechnic, Wanaparthy, Mahaboobnagar Dist.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of certiorari calling for the records relating to the impugned proceedings No.F1-2/31787/01, dated 1-10-2004 as upheld vide the order made in O.A.No.5642/2004 vide judgment dated 14-10-2004 on file of the A.P. Administrative Tribunal, Hyderabad and quash the same as the same is illegal, arbitrary and violative of Art.14 and 16 of the Constitution of India apart from contrary to the provisions of A.P.C.C.A.Rules apart from violative of principles of natural justice.

Counsel for the Petitioner: MR.G.V.SHIVAJI

Counsel for the Respondent Nos.1, 3 and 4: G.P. for Technical Education

Counsel for the Respondent No.2: Mr.Vijaya Bhaskar Moola

The Court made the following :

ORAL ORDER: (Per Hon'ble Sri Justice G.Bikshapathy)

1. This writ petition is filed assailing the order passed by the A.P. Administrative Tribunal, Hyderabad in O.A.No.5642 of 2004, dated 14.10.2004.

2. The order, dated 1.10.2004 passed by the Director of Technical Education repatriating the petitioner and posting him as Office Superintendent at K.D.R. Government Polytechnic, Wanaparthy was assailed before the Tribunal in O.A.No.5642 of 2004. The learned Tribunal refused to interfere with the said order and dismissed the O.A. Against the said dismissal order, this writ petition has been filed.

3. The learned counsel for the petitioner submits that the order is punitive in nature and the petitioner was not given any opportunity to answer the allegations he was referred to in the order of repatriation and thus, his service interest is jeopardised. The Tribunal did not consider this aspect in proper perspective and it is submitted that it is liable to be dismissed.

4. We have heard the learned Government Pleader and the learned counsel for other respondents.

5. In fact the petitioner filed O.A.No.8972 of 2001 on earlier occasion and the same was disposed of with a direction to consider the case of the transfer till the end of the academic year i.e. upto April, 2004.

Therefore, the present order came to be issued on 1.10.2004. The said order is assailed on the ground that the order is punitive in nature and it is only at the instance of the other staff, the petitioner is sought to be victimised and hence, the Tribunal ought to have interfered with the order.

6. We cannot accept this contention. What is the order passed is the repatriation order and it is not a punitive order of transfer and therefore, he was repatriated as Office superintendent, K.D.R. Government Polytechnic, Wanaparthy. Under those circumstances, it cannot be said that repatriation is punitive in nature. The authority has got power to repatriate the employee to parent department without assigning any reason. Though it was mentioned in the order that some enquiry was conducted, but that would not project any difference in the eye of the law inasmuch as the employees stand repatriated to parent department. Under these circumstances, we do not find any merit in this writ petition.

7. The writ petition is accordingly dismissed. No costs.

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(G. BIKSHAPATHY, J.)

13th December, 2004.

_____ (P.S. NARAYANA, J.)

bcj

To

1 The Director of Technical Education, Govt. of A.P. Hyderabad.
2 The Secretary, A.P.Social Welfare Residential Educational Institutions society, Masab Tank Hyderabad.
3 The Principal, Govt. Model Residential Polytechnic, Gajwel Medak Dist.
4 Two C.Cs. to the Government Pleader for Technical Education, High Court Buildings, Hyderabad (OUT)

5 Two C.D. copies

6 The Registrar, A.P. Administrative Tribunal, Hyderabad.